REMARKS

Claims 1- 16, 20 and 21 are the only active claims pending in this application. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, each with an indication at its first line showing the claim's current status.

Claim 13 has been amended to overcome the objection raised in the office action, and does not present any substantive changes to the claimed subject matter. Therefore, entry of this amendment at this time is requested.

The Office Action presents a rejection of claims 1-4, 8-16, 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art (AAPA), in view of U.S. Patent No. 6,101,014 ("Majima") and Japanese Patent JP 03-214832 ("Nitta"). Office Action at pp. 5-20. Also, the Office Action presents a rejection of claims 5-7 under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art (AAPA), in view of Majima and Nitta, in further view of U.S. Patent Publication 2003/0118280 ("Miyazaki"). Applicant respectfully traverses.

AAPA (Figure 1 and Background)

The AAPA relates to a wavelength division multiplexing transmission system. However, there is no teaching in the AAPA of a wavelength filtering means (i.e. wavelength separating means), optical receiving means, wavelength control means, and optical transmitting means, all of which are required in claim 1 as well as other claims in the application.

Majima (US 6,101,014)

Majima relates to a method for controlling a wavelength of emitted light in a wavelength division multiplexing transmission system. However, there are clear differences between the present invention and the invention disclosed by Majima.

Majima teaches that an optical node sweeps an optical signal over a range of wavelengths from λ min to λ max and detects the wavelength disposition of the existing wavelengths. Next, the optical node sets a wavelength for

transmission using the detection result so that the wavelength is spaced by the required channel spacing $\Delta\lambda$ from any existing wavelength on one end of any group of existing wavelengths (column 12, lines 4-10; column 13, lines 62-67). Thus, in Majima, the optical node selects only wavelengths for transmission, these wavelengths are always close to one of the existing wavelengths with specific channel spacing $\Delta\lambda$.

In the present invention, a remote apparatus comprises A) a wavelength separating means which separates from an optical signal including a plurality of wavelengths into separated optical signals, and B) an optical receiving means which receives said separated optical signals from said wavelength separating means and outputs a reception status signal indicating whether or not each wavelength used in the transmission system is being received. Thus, in the present invention, a remote apparatus can set a wavelength on the long wavelength band side for transmission, even if only wavelengths on the short wavelength band which is apart from the long wavelength band is/are existing. This is not shown in Majima (or APAA or Nitta).

Nitta (JP03-214832)

Nitta relates to a method for controlling a wavelength of emitted light in a wavelength division multiplexing transmission system. However, there are clear differences between the present invention and the invention disclosed by Nitta.

Nitta teaches a method to find out a communication available wavelength by using a "wavelength setting (λ1)".

In contrast, in the present invention transmission wavelengths can be set without using the "wavelength setting (λ1)". Thus, the composition of the present invention is clearly different from that of the invention disclosed by Nitta.

In short, with respect to claims 1-4, 8-16, 20, and 21, any combination of AAPA, Majima and Nitta lack the remote apparatuses, each of which comprises:

wavelength separating means for separating an optical signal including a plurality of wavelengths into separated optical signals;

optical receiving means for receiving said separated optical signals from said wavelength separating means and for outputting reception status signal indicating whether or not each of the given plurality of wavelengths used in the transmission system is being received;

wavelength control means for determining an available wavelength as a transmission and reception signal on the basis of said reception status signal;

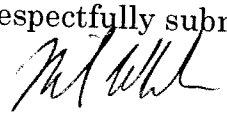
optical transmitting means for transmitting an optical signal of said available wavelength determined by said wavelength control means.

Claims 5-7 depend from claim 1. The Miyazaki reference has been relied on in the office action as teaching a wavelength controller at a central station being used to set the correction position of a laser based on a signal from a remote apparatus. Miyazaki, however, discloses none of the missing features discussed in detail above for the combination of AAPA, Majima and Nitta. As such, claims 5-7 cannot be obvious over the combination proposed.

In view of the foregoing, Applicant respectfully requests that the application with claims 1-16, 20 and 21 be passed to issue. Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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